

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

OMAR DEMITRIOUS PEARSON,)

Petitioner,)

v.)

1:07CV576

ANTHONY HATHAWAY, Supt.)
of Bertie Correctional Inst.,)

Respondent.)

J-U-D-G-M-E-N-T

For the reasons set forth in the Order filed contemporaneously with this Judgment,

IT IS THEREFORE ORDERED AND ADJUDGED that Respondent's motion to dismiss (docket no. 5) is **GRANTED** and the petition is **DISMISSED**. Finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued.



Wallace W. Dixon
United States Magistrate Judge

November 7, 2007